

COUNTY COUNCIL

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HARFORD COUNTY, MARYLAND

BILL NO. 76-35

Introduced by Council President Freeman and Councilmen Shumate, Rahll, Spry,
Legislative Day No. 76-12 Date: Schafer, Cooper and Baldwin
April 13, 1976

AN EMERGENCY ACT to propose an amendment to Article II of the Charter of Harford County, Maryland, titled, "LEGISLATIVE BRANCH", by adding new Section 224, subtitled, "OFFICE OF COUNCIL ATTORNEY", thereto to follow immediately after Section 223 thereof, and to propose an amendment to Article IV, Section 403(b) of the Charter of Harford County, Maryland, titled, "ADMINISTRATIVE ORGANIZATION", subtitled, "DEPARTMENT OF LAW", by repealing and re-enacting Article IV, Section 403(b) thereof, to provide for the office and qualifications of the Council Attorney; to provide for the authority and duties and employment of the Council Attorney and his assistants and employees; to provide for the employment of special legal counsel; to provide for the limiting of the Council Attorney's practice before agencies of Harford County; to provide for a People's Counsel to represent the interests of the public in zoning matters as a member of the Office of Council Attorney; to provide for a People's Counsel Citizens' Advisory Board; to provide for the responsibilities of the County Attorney; to limit the hiring of additional legal counsel by agencies of Harford County; and to further provide for the submitting of this amendment to the
By the Council, April 13, 1976

Introduced, read first time, ordered posted and public hearing scheduled

on: May 11, 1976

at: 6:30 P.M.

By Order: Angela Markowski, Secretary

PUBLIC HEARING

Having been posted and Notice of time and place of hearing and Title of Bill having been published according to the Charter, a public hearing was held on May 11, 1976 and concluded on May 11, 1976.

Angela Markowski, Secretary

COUNTY COUNCIL

OF LIBER 3 PAGE 322

HARFORD COUNTY, MARYLAND

BILL NO. _____

Introduced by _____

Legislative Day No. _____ Date: _____

legally qualified voters of Harford County for their
adoption or rejection.

By the Council, _____

Introduced, read first time, ordered posted and public hearing scheduled

on: _____

at: _____

By Order: _____, Secretary

PUBLIC HEARING

Having been posted and Notice of time and place
of hearing and Title of Bill having been published according to the
Charter, a public hearing was held on _____
and concluded on _____.

_____, Secretary

1 Section 1. *Be It Enacted By The County Council Of Harford County,*
2 *Maryland,* that Article II, Section 224 of the Charter of Harford
3 County, Maryland, titled, "LEGISLATIVE BRANCH", subtitled, "OFFICE
4 OF COUNCIL ATTORNEY", be, and it is hereby added to the Charter
5 of Harford County, Maryland, and Article IV, Section 403(b),
6 titled, "ADMINISTRATIVE ORGANIZATION", subtitled, "DEPARTMENT OF
7 LAW", be, and it is hereby repealed and re-enacted, with amend-
8 ments, all to read as follows:

9 Section 224. OFFICE OF COUNCIL ATTORNEY.

10 (a) The Office of Council Attorney shall be adminis-
11 tered by the Council Attorney. At the time of his appointment, he
12 shall have been a member in good standing of the Bar of the Mary-
13 land Court of Appeals for at least five (5) years. Prior to
14 assuming the duties of his office, he shall be domiciled in the
15 County.

16 (b) The Council Attorney shall be the Chief Legal
17 Advisor to the County Council in all matters and shall have the
18 authority and duty to appear in legal and administrative proceedings
19 on behalf of Harford County, Maryland, in all matters as he may
20 deem advisable and necessary relating to and supporting the
21 Council's actions, functions, powers and duties. The Council
22 Attorney shall be appointed by the County Council and shall be a
23 classified employee.

24 (c) The Council Attorney shall have the authority to
25 hire such assistant Council attorneys and other employees as may be
26 necessary to perform his duties. The officers and employees of the
27 Executive Branch shall provide such assistance and facilities to
28 the Council Attorney as may be deemed necessary to the performance
29 of his duties. The Council Attorney shall render such assistance
30 to the officers and employees of the Executive Branch as may be
31 necessary to assist them in the performance of their duties.
32

1 (d) The Council Attorney may, with the approval of
2 the County Council, employ special legal counsel to work problems
3 of an extraordinary nature when the work to be done is of such
4 a character or magnitude as to require services in addition to
5 those regularly provided by the Department of Law or Council
6 Attorney's Office.

7 (e) Neither the Council Attorney nor any assistant
8 in the Council Attorney's Office may, at any time, while holding
9 such office, practice as an attorney before the Council or
10 any agency of the County Government other than to represent the
11 County's interest.

12 (f) Subject to the approval of a majority of the County
13 Council, a People's Counsel shall be employed by the Council
14 Attorney to represent the interests of the public in zoning
15 matters. The duties, powers and functions of the People's Counsel
16 shall be set forth by legislative act. The Council may provide
17 for a People's Counsel Citizens' Advisory Board to be appointed
18 by the County Council.

19 Section 403. DEPARTMENT OF LAW.

20 (b) The County Attorney shall be the chief legal
21 officer of the Executive Branch in all matters and he shall be
22 responsible for all the legal affairs of the Executive Branch.
23 Except as otherwise provided for in State Law or this Charter,
24 no agency of the County Government which receives County funds
25 shall have any authority or power to employ or retain any legal
26 counsel other than the County Attorney.

27 Section 2. *And Be It Further Enacted*, that before this Act
28 becomes effective, it shall first be submitted to a Referendum
29 of the legally qualified voters of Harford County in accordance
30 with Section 905 of the Charter of Harford County, Maryland, at
31
32

1 the General Election to be held in November of 1976. There shall
2 be printed on the ballots or ballot labels to be used at this
3 election the title of this Act, and underneath the title, on
4 separate lines, a square or box to the right of and opposite the
5 words, "For _____", and a corresponding square or box to the
6 right of and opposite the words, "Against _____", so that each
7 voter of the County may designate his or her decision for or
8 against the provisions of this Act. If a majority of the votes
9 cast in the election are "For _____", the provisions of this Act
10 shall become effective from and after the thirtieth (30th) day
11 following the election, but if a majority of the votes cast in the
12 election are "Against _____", the provisions of this Act shall
13 be of no effect and null and void.

14 Section 3. *And Be It Further Enacted*, that subject to the
15 provisions of Section 2 herein and for the sole purpose of
16 providing for the Referendum therein required, this Act is
17 declared to be an Emergency Act necessary to protect the health,
18 safety and general welfare of the citizens of Harford County by
19 providing the County Council with timely, efficient legal services
20 necessary to the proper performance of their powers, duties and
21 functions.

22 EFFECTIVE: Subject to the provisions of Sections 2 and 3 of the Bill,
23 December 3, 1976

24 The Secretary of the Council does hereby
25 certify that fifteen (15) copies of this bill
26 are immediately available for distribution to
27 the public and the press.

28 
29 Secretary

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BY THE COUNCIL

Read the third time.

Passed LSD 76-16 May 18, 1976 ~~(with amendments)~~

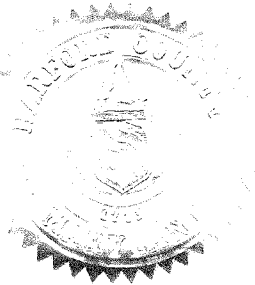
~~Failed of Passage~~

By order

Angela Markowski, Secretary

Sealed with the County Seal and presented to the County Executive
for his approval this 20th day of May, 1976
at 3:00 o'clock P.M.

Angela Markowski, Secretary



BY THE EXECUTIVE

APPROVED:

County Executive

Date

In accordance with Section 311 of the Charter of Harford County, Maryland,
Bill No. 76-35 is hereby vetoed in toto this ninth day of June 1976.

Rec'd for record 7/29/1977 at 8:45 A.M.
Same day recorded & examined, per
H. Douglas Chilcoat, Clerk

[Signature]
County Executive

BY THE COUNCIL

This Bill, having been passed by the yeas of at least five (5) members of the Council notwithstanding the objections of the Executive, becomes law on June 15, 1976, for the purpose of providing for Referendum therein required and subject to the provisions of Section 2 and Section 3 of the Bill.

Angela Markowski, Secretary

This Act, having been approved by a majority of the voters of Harford County, voting on the amendment (Question B) to the Charter of Harford County, Maryland, in General Election on November 2, 1976, stands effective December 3, 1976.

Angela Markowski 76-35
Secretary of the Council